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January 24, 1996

RECEIVED
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Re: Japanese Patent Application No. 1-258823
Your Ref.: 20565-6002
Our Ref.: JA-S9502

Dear Dr. Stults:

Thank you for your letter of December 27, 1995 in respect to the above identified case.

In reply to your inquiry, we would inform you as follows.

1. Regarding Page 3, Third Paragraph:

Page 3, third paragraph of the English translation cited by the U.S. Examiner corresponds to page 2, left upper column, lines 3-5 of the JP'494 and its translation seems to be correct. We think, however, that the Examiner's interpretation on this portion is not inadequate.

That is to say, on referring to only this portion (page 3, third paragraph) of the English translation, this portion is apt to be misleading that "JP'494 teaches that the action of cellulase removes ink from the fiber, and it would be obvious to the skilled artisan to use cellulase alone, if the deinking action by cellulase alone gives sufficient deinking results, and if the additional expense of adding ink removal chemicals is not desired" as mentioned by the Examiner.

However, on page 2, left upper column, line 8 to right upper column, line 10 of JP'494 following to this portion

continued/...

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(page 3, third paragraph of the English translation), there are descriptions stating that "Cellulase is known as an enzyme for hydrolyzing cellulose. Cellulase is inactivated in an alkali condition of pH8 or more. On the other hand, as a deinking is performed in the alkali condition, conventional cellulase cannot use therefor. However, in case alkali-resistant cellulase is used, it is activatable in the alkali condition. Therefore, if the deinking is performed by using alkali-resistant cellulase with a deinking agent (alkali), the deinking effect is improved due to the action of the enzyme".

Thus, on referring to the reference as a whole, we think that JP'494 discloses only the use of the alkali-resistant cellulase with the conventional deinking agent.

2. Regarding Page 5, First Whole Paragraph:

Page 5, first whole paragraph of English translation cited by the U.S. Examiner corresponds to page 2, left lower column, lines 13-15 of the JP'494 and its translation seems to be correct. We think, however, that the Examiner's interpretation on this portion is not inadequate.

That is to say, referring to only the portion (page 5, first whole paragraph) of the English translation, this portion is apt to be misleading that "Alkali-resistant cellulase can be independently used as one step in the ink removal process" as mentioned by the Examiner.

Please note, however, this portion is directed to explain a process for deinking by adding alkali-resistant cellulase. That is, on page 2, right upper column, line 18 to left lower column, line 18, there are descriptions stating that "an alkali-resistant cellulase treatment is performed by (1) adding alkali-resistant cellulase after the deinking agent (alkali) is applied or by (2) adding alkali-resistant cellulase with the deinking agent". Therefore, this portion is to be interpreted as "the alkali-resistant cellulase treatment" by adding alkali-resistant cellulase in accordance with the above steps (1) and (2) may be independently performed as one step. In other words, this portion is directed to the process according to example 3. In the example 3, the process comprises the steps of adding NaOH, nonionic surfactant and

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alkali-resistant cellulase to waste paper to disaggregate and, then, deinking by adding H₂O₂ and sodium silicate as a further step. Therefore, this portion is not directed to show that alkali-resistant cellulase alone is used in the deinking treatment.

As mentioned above, we think that JP'494 teaches the use of enzyme as an enhancer to be used in addition to conventional deinking agents. Furthermore, we think that enzyme may be added concurrently with conventional deinking agents, or as a further step in addition to conventional deinking agents in the treatment of waste paper.

In this connection, under our practice, the cited reference should be read within the description of the specification, claims and drawings thereof. In other words, the prosecution history should not be considered. Therefore, we did not review the prosecution history of JP'494 at the present stage.

We trust that the above information is sufficient for your needs. Should you require any further information, please do not hesitate to write us.

We will send you our debit note with a confirmation of this letter by airmail.

Yours very truly,

MIYOSHI & MIYOSHI

KT/yn   Kouichiro Takaku
                                   Patent Attorney

Encl: Debit Note (by airmail)

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